

BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke  
Probation Against:

ERIN K. BOGDANSKI,

Licensed Marriage and Family  
Therapist  
License No. LMFT 122104

Respondent.

Case No. 2002022000680

OAH No. 2022030909

**ORDER OF DECISION**

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Behavioral Sciences as its Decision in the above-entitled matter.

**This Decision shall become effective on:** October 13, 2022

**IT IS SO ORDERED on:** September 13, 2022



FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

**BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Petition to Revoke Probation Against:**

**ERIN K. BOGDANSKI,  
Marriage and Family Therapist License No. LMFT 122104  
Respondent.**

**Agency Case No. 2002022000680**

**OAH No. 2022030909**

**PROPOSED DECISION**

Administrative Law Judge Juliet E. Cox, State of California, Office of  
Administrative Hearings, heard this matter on June 29, 2022, by videoconference.

Deputy Attorney General Susana A. Gonzales represented complainant Steve  
Sodergren, Executive Officer of the Board of Behavioral Sciences.

Respondent Erin K. Bogdanski appeared at the hearing and represented herself.

The matter was submitted for decision on June 29, 2022.

## **FACTUAL FINDINGS**

1. Respondent Erin K. Bogdanski received Associate Marriage and Family Therapist Registration No. AMFT 88456 in August 2015. After completing her training, she took and passed the examination for licensure as a Marriage and Family Therapist. Respondent received Marriage and Family Therapist License No. LMFT 122104 on September 24, 2020. The Board of Behavioral Sciences (Board) then cancelled Associate Marriage and Family Therapist Registration No. AMFT 88456.

2. While respondent held Associate Marriage and Family Therapist Registration No. AMFT 88456, the Board entered an order placing respondent on probation for five years. Although she has changed the nature of her license from an Associate Marriage and Family Therapist Registration to a Marriage and Family Therapist License, respondent remains on probation, as described below in greater detail in Findings 6 and 7.

3. Acting in his official capacity as Executive Officer of the Board, complainant Steve Sodergren filed a petition to revoke respondent's probation. On February 1, 2022, complainant signed a first amended petition. Complainant alleges that respondent has violated numerous conditions of her probation, some by complying only partially and others by taking no steps at all toward compliance, and seeks revocation of respondent's license. Respondent requested a hearing.

### **Unprofessional Conduct and Disciplinary Order**

4. In June 2016, respondent was convicted in the Marin County Superior Court of a misdemeanor violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol concentration of 0.08 percent or more), with an

enhancement for having had a blood alcohol concentration of 0.16 percent or more. The crime occurred on April 3, 2016, when respondent drove a car despite being so intoxicated by alcohol that she nearly fell down as she stepped out of the car to perform field sobriety tests.

5. The court placed respondent on criminal probation for three years. She was arrested at least once during her probation (on April 30, 2017) on suspicion of driving while under the influence of alcohol, but the evidence did not establish whether this arrest resulted in any criminal charges or charges of criminal probation violation. The evidence did not establish if or when respondent completed her criminal probation.

6. The former Executive Officer of the Board filed an accusation against respondent on October 27, 2017, alleging that the events described in Findings 4 and 5 constituted unprofessional conduct. To resolve this accusation, respondent consented to entry of an order effective August 2, 2018, revoking her Associate Marriage and Family Therapist Registration; staying the revocation; and placing her on probation for five years. Respondent admitted in consenting to entry of this order that all allegations in the October 2017 accusation were true, and agreed to follow all probation conditions.

7. The conditions of respondent's probation include:

a. Condition 1: obtain a "psychological or psychiatric evaluation" from a Board-approved practitioner within 90 days after the probation order's effective date, and submit the evaluator's report to the Board;

b. Condition 2: participate in regular psychotherapy with a Board-approved practitioner, and arrange for the psychotherapist to provide quarterly reports about respondent to the Board;

c. Condition 3: attend a "dependency support program" at least twice per week, and provide proof of attendance with respondent's quarterly probation reports to the Board;

d. Condition 4: submit a plan within 90 days after the probation order's effective date for completing "the equivalency of 2 semester units in substance use/abuse," and complete that plan within one year after the probation order's effective date;

e. Conditions 5 and 6: abstain from alcohol and unprescribed mood-altering drugs, and submit to biological fluid testing to confirm abstinence; and

f. Condition 9: comply with all probation conditions and cooperate with the Board probation monitor's efforts to monitor compliance.

## **Probation Compliance**

8. When she consented to entry of the order placing her on probation, described in Findings 6 and 7, respondent recently had resigned her employment for health reasons. Because she was not engaging at that time in activities requiring licensure, respondent asked to begin her probation term in non-practice status. While respondent was in non-practice status, Condition 11 of her probation relieved her of responsibility for complying with Conditions 1 through 6 (summarized above in Findings 7.a through 7.e).

9. Condition 11 of respondent's probation permits her to remain in non-practice status for up to two years during her probation term. Respondent exhausted her eligibility for non-practice status, and her non-practice status ended effective October 16, 2020.

10. Respondent has never proposed any mental health practitioner to conduct the evaluation that Condition 1 of her probation order requires. She has undergone no such evaluation since August 2, 2018.

11. Respondent testified that she has participated in weekly psychotherapy with John Brownson, M.F.T., since January 6, 2021. She also provided a letter from Brownson confirming their psychotherapeutic relationship. Respondent testified further, without contradiction, that her Board probation monitor had approved Brownson as a psychotherapist whose care would satisfy Condition 2 of her probation order.

12. Respondent has never arranged for Brownson to provide any information to the Board about her treatment, however, and he has never done so. Respondent testified that she was unaware before the hearing that the probation order required her to arrange for Brownson to provide quarterly reports or other information to the Board about her psychotherapy. This testimony is not credible. Moreover, even if true, respondent's ignorance about this requirement would be unreasonable: The probation order requires respondent to give a copy of the order to Brownson, and states,

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly reports to the Board concerning respondent's fitness to practice, progress in treatment, and to provide other information as may be

required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

13. Respondent has stated in her quarterly probation reports that she attends a regular support group. She has given no details or attendance records sufficient to confirm that the group meets the criteria stated in Condition 3 of her probation order.

14. Respondent has not proposed or received approval for an educational program that would satisfy the criteria stated in Condition 4 of her probation order. At the end of January 2022, she received a certificate confirming completion of a 15-hour online course regarding chemical dependency and substance abuse treatment. She understands this course to have fulfilled half the requirement in Condition 4.

15. Respondent testified that she has never used alcohol or other intoxicating drugs while working, and has never practiced while under the influence of such intoxicants. She did not testify directly about whether she ever uses alcohol or other drugs, or whether she abstains completely from them as Conditions 5 and 6 require.

16. In late December 2020, about two months after her non-practice status ended, respondent enrolled with the Board's bodily fluid testing provider, FSSolutions. She checked in daily during January 2021, but stopped in mid-February 2021 and did not begin again until late April. Her check-ins stopped again in late May 2021; resumed briefly in mid-June; and then stopped entirely in late June 2021. Respondent has not participated in the bodily fluid testing program since June 23, 2021.

## **Additional Evidence**

17. Instead of seeking new employment after beginning her Board probation, respondent chose to invest her time and money in a business venture of her own. She is a founder, a director, and the Chief Executive Officer of Thera, Inc., a business that offers virtual reality technology to support remote psychotherapy. Respondent personally provides psychotherapy to only a few clients, and spends most of her work time for Thera on business development activities.

18. Respondent testified that she has been financially unable to comply with the probation conditions requiring her to obtain a mental health evaluation (Condition 1) and to participate in regular, random bodily fluid testing (Conditions 5 and 6). Her explanation for her financial inability to meet these conditions was evasive and implausible. Moreover, respondent's testimony offers no assurance that if the Board continued her probation, she could or would comply with these conditions in the near future. Respondent has found money for a wide variety of expenses since August 2018, including expenses she described relating to her new business, but has not prioritized compliance with the Board probation order to which she agreed.

19. No one from respondent's business provided any written or oral statements regarding her probation compliance or her qualifications for continuing licensure.

20. Michael Pritchard, a freelance teacher and motivational speaker, testified to support respondent's continuing licensure. Pritchard has known respondent for almost 10 years; he met her when they both were mental health care volunteers at a shelter for homeless veterans. They subsequently have worked together providing a group mental health program at the Veterans Home of California in Yountville, and



providing services to hospitalized children. Pritchard considers respondent a "genius" and believes that revoking her license would deprive Californians of a "brilliant" healer. He characterized respondent's conviction for driving under the influence of alcohol as a "moment of inadequacy," and testified that he is not familiar with the terms of respondent's Board probation.

## **LEGAL CONCLUSIONS**

1. The Board may revoke respondent's probation if a preponderance of the evidence establishes cause for revocation. The factual findings above rest on a preponderance of the evidence at hearing.

### **Causes to Revoke Probation**

2. The matters stated in Findings 1, 2, 6, and 7.a establish that the Board may revoke respondent's probation for failure to obtain and provide a timely report from a mental health evaluation. The matters stated in Findings 9 and 10 establish respondent's failure to satisfy this probation condition (Condition 1), and constitute cause for the Board to revoke respondent's probation.

3. The matters stated in Findings 1, 2, 6, and 7.b establish that the Board may revoke respondent's probation for failure to arrange for quarterly reports and information-sharing from her psychotherapist to the Board. The matters stated in Findings 9, 11, and 12 establish respondent's failure to satisfy this probation condition (Condition 2), and constitute cause for the Board to revoke respondent's probation.

4. The matters stated in Findings 1, 2, 6, and 7.c establish that the Board may revoke respondent's probation for failure to participate in a dependency support

group and to confirm her participation to the Board. The matters stated in Findings 9 and 13 establish respondent's failure to satisfy this probation condition (Condition 3), and constitute cause for the Board to revoke respondent's probation.

5. The matters stated in Findings 1, 2, 6, and 7.d establish that the Board may revoke respondent's probation for failure to obtain Board approval for, and to complete, an educational program regarding substance abuse treatment. The matters stated in Findings 9 and 14 establish respondent's failure to satisfy this probation condition (Condition 4), and constitute cause for the Board to revoke respondent's probation.

6. The matters stated in Findings 1, 2, 6, and 7.e establish that the Board may revoke respondent's probation for failure to participate in testing to confirm abstinence from alcohol and unprescribed mood-altering drugs. The matters stated in Findings 9, 15, and 16 establish respondent's failure to satisfy these probation conditions (Conditions 5 and 6), and constitute cause for the Board to revoke respondent's probation.

7. The matters stated in Findings 1, 2, 6, and 7.f establish that the Board may revoke respondent's probation for failure to comply fully with every probation condition. The matters stated in Findings 9 through 16 establish respondent's failure to satisfy this probation condition (Condition 9), and constitute cause for the Board to revoke respondent's probation.

### **Disciplinary Considerations**

8. The matters stated in Findings 17 through 20 provide no justification for respondent's failure to abide by her probation conditions, and no reason for the Board to believe that she will begin doing so. These matters show instead that respondent

has never believed that either the events that caused the Board to place her on probation or the probation order itself were important. Despite investing considerable time, energy, and money into a new business for which her professional license is directly relevant, respondent has invested nothing to protect that license. Without assurance that respondent can practice safely as a licensed Marriage and Family Therapist, the Board must revoke respondent's probation.

### **ORDER**

The petition to revoke probation concerning Marriage and Family Therapist License No. LMFT 122104, held by respondent Erin K. Bogdanski, is granted. The stay of revocation is lifted and the license is revoked.

DATE: 07/18/2022



JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings

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8  
9 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Petition to  
13 Revoke Probation Against:

Case No. 2002022000680

14 **ERIN K. BOGDANSKI**  
5855 Horton Street, Apt. 524  
15 Emeryville, CA 94608-2049

**FIRST AMENDED PETITION TO  
REVOKE PROBATION**

16 **Licensed Marriage and Family Therapist**  
**License No. LMFT 122104**

17 **Associate Marriage and Family Therapist**  
18 **Registration No. AMFT 88456 (*upgraded*)**

19 **Respondent.**

20  
21 **PARTIES**

22 1. Steve Sodergren (Complainant) brings this First Amended Petition to Revoke  
23 Probation solely in his official capacity as the Executive Officer of the Board of Behavioral  
24 Sciences, Department of Consumer Affairs.

25 2. On or about August 20, 2015, the Board issued Associate Marriage and Family  
26 Therapist Registration No. AMFT 88456 to Erin K. Bogdanski (Respondent). The Associate  
27 Marriage and Family Therapist Registration was in full force and effect at all times relevant to the  
28

1 charges brought in this First Amended Petition to Revoke Probation. On or about September 1,  
2 2016, the Associate Marriage and Family Therapist Registration expired, due to non-payment of  
3 renewal fees, and was renewed on September 6, 2016. Again, on or about September 1, 2020,  
4 the Associate Marriage and Family Therapist Registration expired due to non-payment of renewal  
5 fees, and was renewed on September 9, 2020. On September 24, 2020, the Associate Marriage  
6 and Family Therapist Registration was upgraded to a License and ultimately cancelled.

7 3. On or about September 24, 2020, the Board issued Marriage and Family Therapist  
8 License No. LMFT 122104 to Respondent. The Licensed Marriage and Family Therapist License  
9 was in full force and effect at all times relevant to the charges brought in this First Amended  
10 Petition to Revoke Probation, and will expire on September 30, 2022, unless renewed.

#### 11 **PRIOR DISCIPLINE**

12 4. In a prior disciplinary action titled "*In the Matter of Accusation Against Erin K.*  
13 *Bogdanski*," Case No. 2002016001655, the Board of Behavioral Sciences issued a Decision and  
14 Order (Decision), effective August 2, 2018, in which Respondent's Associate Marriage and  
15 Family Therapist Registration was revoked. However, the revocation was stayed and  
16 Respondent's Associate Marriage and Family Therapist Registration was placed on probation for  
17 a period of five (5) years with certain terms and conditions. A copy of that decision is attached as  
18 Exhibit A and is incorporated by reference.

#### 19 **JURISDICTION**

20 5. This First Amended Petition to Revoke Probation is brought before the Board, under  
21 the authority of the following laws. All section references are to the Business and Professions  
22 Code (Code) unless otherwise indicated.

23 6. Code section 4990.33 states:

24 Notwithstanding any other law, except as provided in Section 4990.32, the  
25 expiration, cancellation, forfeiture, or suspension of a license, registration, or other  
26 authority to practice by operation of law or by order or decision of the board or a  
27 court of law, the placement of a license on a retired status, or the voluntary surrender  
28 of a license or registration by a licensee or registrant, of any license or registration  
within the authority of the board, shall not deprive the board of jurisdiction to  
commence or proceed with any investigation of, or action or disciplinary proceeding  
against, the licensee or registrant or to render a decision suspending or revoking the  
license or registration.

1           7. Probation Term and Condition Number 16 of the Board's Decision in Case No. 200-  
2 2016-001655 states:

3           **Violation of Probation.** If respondent violates the conditions of her  
4 probation, the Board, after giving respondent notice and the opportunity to be  
5 heard, may set aside the stay order and impose the discipline (revocation) of  
6 respondent's registration provided in the decision.

7           If during the period of probation, an accusation, petition to revoke probation,  
8 or statement of issues has been filed against respondent's registration or  
9 application for licensure, or the Attorney General's office has been requested to  
10 prepare such an accusation, petition to revoke probation, or statement of issues, the  
11 probation period set forth in this decision shall be automatically extended and shall  
12 not expire until the accusation, petition to revoke probation, or statement of issues  
13 has been acted upon by the board. Upon successful completion of probation,  
14 respondent's registration shall be fully restored.

15           8. Grounds exist to revoke Respondent's probation and re-impose the order of  
16 revocation of her Licensed Marriage Family Therapist License, in that she violated the terms and  
17 conditions of her probation as set forth below.

18                           **FIRST CAUSE TO REVOKE PROBATION**

19                           (Failure to Comply with Board's Probation Program)

20           9. At all times after the effective date of Respondent's probation, Condition 9 stated:

21           **Comply with the Board's Probation Program.** Respondent shall comply  
22 with the probation program established by the Board and cooperate with  
23 representatives of the Board in its monitoring and investigation of the respondent's  
24 compliance with the program.

25           10. Respondent's probation is subject to revocation because she failed to comply with  
26 Probation Condition 9, referenced above. The facts and circumstances regarding this violation  
27 are that Respondent failed to comply with Probation Condition 1 (Psychological Evaluation);  
28 Probation Condition 2 (Psychotherapy); Probation Condition 3 (Dependency Support); Probation  
Condition 4 (Education); Probation Condition 5 (Abstain from Controlled Substances/Submit to  
Drug and Alcohol Testing); and Probation Condition 6 (Abstain from Alcohol/Submit to Drug  
and Alcohol Testing), as alleged below in paragraphs 11 through 22.

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1 **SECOND CAUSE TO REVOKE PROBATION**

2 (Failure to Complete Psychological Evaluation)

3 11. At all times after the effective date of Respondent's probation, Condition 1 stated:

4 **Psychological/Psychiatric Evaluation.** Within 90 days of the effective date of  
5 this decision, and on a periodic basis thereafter as may be required by the Board or its  
6 designee, respondent shall complete a psychological or psychiatric evaluation by such  
7 licensed psychologists or psychiatrists as are appointed by the Board. The cost of  
8 such evaluation shall be borne by respondent. Failure to pay for the report in a timely  
9 fashion constitutes a violation of probation.

10 Such evaluator shall furnish a written report to the Board or its designee  
11 regarding respondent's judgment and ability to function independently and safely as a  
12 counselor and such other information as the Board may require. Respondent shall  
13 execute a Release of Information authorizing the evaluator to release all information  
14 to the Board. Respondent shall comply with the recommendations of the evaluator.

15 If a psychological or psychiatric evaluation indicates a need for supervised  
16 practice, (within 30 days of notification by the Board), respondent shall submit to the  
17 Board or its designee, for its prior approval, the name and qualification of one or  
18 more proposed supervisors and a plan by each supervisor by which the respondent's  
19 practice will be supervised.

20 If respondent is determined to be unable to practice independently and safely,  
21 upon notification, respondent shall immediately cease practice and shall not resume  
22 practice until notified by the Board or its designee. Respondent shall not engage in  
23 any practice for which a license issued by the Board is required, until the Board or its  
24 designee has notified the respondent of its determination that respondent may resume  
25 practice.

26 12. Respondent's probation is subject to revocation because she failed to comply with  
27 Probation Condition 1, referenced above. The facts and circumstances regarding this violation  
28 are that as of September 23, 2021, Respondent has failed to submit a Psychological/Psychiatric  
Evaluation.

21 **THIRD CAUSE TO REVOKE PROBATION**

22 (Failure to Participate in Psychotherapy)

23 13. At all times after the effective date of Respondent's probation, Condition 2 stated:

24 **Psychotherapy.** Respondent shall participate in ongoing psychotherapy with a  
25 California licensed mental health professional who has been approved by the Board.  
26 Within 15 days of the effective date of this decision, respondent shall submit to the  
27 Board or its designee for its prior approval the name and qualifications of one or more  
28 therapists of respondent's choice. Such therapist shall possess a valid California  
license to practice and shall have had no prior business, professional, or personal  
relationship with respondent, and shall not be the respondent's supervisor. Counseling  
shall be at least once a week unless otherwise determined by the Board. Respondent

1 shall continue in such therapy at the Board's discretion. Cost of such therapy is to be  
2 borne by respondent.

3 Respondent may, after receiving the Board's written permission, receive therapy  
4 via videoconferencing if respondent's good faith attempts to secure face-to-face  
5 counseling are unsuccessful due to the unavailability of qualified mental health care  
6 professionals in the area. The Board may require that respondent provide written  
7 documentation of her good faith attempts to secure counseling via videoconferencing.

8 Respondent shall provide the therapist with a copy of the Board's decision no  
9 later than the first counseling session. Upon approval by the Board, respondent shall  
10 undergo and continue treatment until the Board or its designee determines that no  
11 further psychotherapy is necessary.

12 Respondent shall take all necessary steps to ensure that the treating  
13 psychotherapist submits quarterly written reports to the Board concerning  
14 respondent's fitness to practice, progress in treatment, and to provide such other  
15 information as may be required by the Board. Respondent shall execute a Release of  
16 Information authorizing the therapist to divulge information to the Board.

17 If the treating psychotherapist finds that respondent cannot practice safely or  
18 independently, the psychotherapist shall notify the Board within three (3) working  
19 days. Upon notification by the Board, respondent shall immediately cease practice  
20 and shall not resume practice until notified by the Board or its designee that  
21 respondent may do so. Respondent shall not thereafter engage in any practice for  
22 which a license issued by the Board is required until the Board or its designee has  
23 notified respondent that she may resume practice. Respondent shall document  
24 compliance with this condition in the manner required by the Board.

25 14. Respondent's probation is subject to revocation because she failed to comply with  
26 Probation Condition 2, referenced above. The facts and circumstances regarding this violation  
27 are that Respondent never submitted a psychotherapist of her choice to the Board for their  
28 approval. Furthermore, the Board has not received any Quarterly Reports from any treating  
therapist.

#### 29 **FOURTH CAUSE TO REVOKE PROBATION**

30 (Failure to Attend Dependency Support)

31 15. At all times after the effective date of Respondent's probation, Condition 3 stated:

32 **Dependency Support Program.** Respondent shall attend a dependency  
33 support program approved by the Board no less than 2 times per week. Respondent  
34 shall provide proof of attendance at said program with each quarterly report that  
35 Respondent submits during the period of probation. Failure to attend, or to show  
36 proof of such attendance, shall constitute a violation of probation.

37 16. Respondent's probation is subject to revocation because she failed to comply with  
38 Probation Condition 3, referenced above. The facts and circumstances regarding this violation



are that Respondent has failed to provide the Board proof of attendance at any dependency support programs.

### **FIFTH CAUSE TO REVOKE PROBATION**

(Failure to Complete Required Education)

17. At all times after the effective date of Respondent's probation, Condition 4 stated:

**Education.** Respondent shall take and successfully complete the equivalency of 2 semester units in substance use/abuse. All course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, or professional clinical counselor or through a course approved by the Board. Classroom attendance must be specifically required. Course content shall be pertinent to the violation and all course work must be completed within one year from the effective date of this Decision.

Within 90 days of the effective date of the decision respondent shall submit a plan for prior Board approval for meeting these educational requirements. All costs of the course work shall be paid by the respondent. Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 4, referenced above. The facts and circumstances regarding this violation are that Respondent has failed to request approval for nor completion of any of the required coursework.

### **SIXTH CAUSE TO REVOKE PROBATION**

(Failure to Abstain from Controlled Substances and/or Submit to Drug and Alcohol Testing)

19. At all times after the effective date of Respondent's probation, Condition 5 stated:

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent, respondent's current employer, and the supervisor, if any, and shall be a violation of probation.

If respondent tests positive for a controlled substance, respondent's license shall be automatically suspended. Respondent shall make daily contact as directed by the Board to

determine if she must submit to drug testing. Respondent shall submit her drug tests on the same day that she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

20. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 5, referenced above. The facts and circumstances regarding this violation are that Respondent failed to abstain from controlled substances, and/or to immediately submit to random and directed drug and alcohol testing. Respondent has not checked in or tested since February 23, 2021.

#### **SEVENTH CAUSE TO REVOKE PROBATION**

(Failure to Abstain from Use of Alcohol and/or Submit to Drug and Alcohol Testing)

21. At all times after the effective date of Respondent's probation, Condition 6 which stated:

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent, respondent's current employer, and to the supervisor, if any, and shall be a violation of probation.

If respondent tests positive for alcohol and/or a controlled substance, respondent's license shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if she must submit to drug testing. Respondent shall submit her drug test on the same day that she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

22. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6, referenced above. The facts and circumstances regarding this violation are that Respondent failed to completely abstain from the use of alcohol, and/or failed to immediately submit to random and directed drug and alcohol testing. Respondent has not checked in or tested since February 23, 2021.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this First Amended Petition to Revoke Probation, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Revoking the probation that was granted by the Board of Behavioral Sciences in Case No. 2002016001655 and imposing the disciplinary order that was stayed thereby revoking Licensed Marriage and Family Therapist License No. LMFT 122104 issued to Erin k. Bogdanski;
2. Revoking or suspending Licensed Marriage and Family Therapist License No. LMFT 122104, issued to Erin k. Bogdanski;
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/1/2022

*Steve Sodergren*

STEVE SODERGREN  
Executive Officer  
Board of Behavioral Sciences  
Department of Consumer Affairs  
State of California  
Complainant

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**BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 200-2016-001655

**ERIN K. BOGDANSKI**  
5855 Horton Street, Apt. 524  
Emeryville, CA 94608-2049

Associate Marriage and Family Therapist  
Registration No. AMFT 88456

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 2, 2018.

It is so ORDERED July 3, 2018.

  
\_\_\_\_\_  
FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA  
Attorney General of California  
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7  
8 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 200-2016-001655

11 **ERIN K. BOGDANSKI**  
12 **5855 Horton Street, Apt. 524**  
13 **Emeryville, CA 94608-2049**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 **Associate Marriage and Family Therapist**  
**Registration No. AMFT 88456**  
15 **Respondent.**

16  
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
18 **entitled proceedings that the following matters are true:**

19 **PARTIES**

20 1. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral  
21 Sciences (Board). She brought this action solely in her official capacity and is represented in this  
22 matter by Xavier Becerra, Attorney General of the State of California, by Joshua A. Room,  
23 Supervising Deputy Attorney General.

24 2. Respondent Erin K. Bogdanski (Respondent) is represented in this proceeding by  
25 attorney Robert Cheasty, whose address is: 1604 Solano Avenue, Berkeley, CA 94707.

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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 200-2016-001655.

10. Respondent agrees that her Associate Marriage and Family Therapist Registration is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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1 notified by the Board or its designee. Respondent shall not engage in any practice for which a  
2 license issued by the Board is required, until the Board or its designee has notified the respondent  
3 of its determination that respondent may resume practice.

## 4 2. Psychotherapy

5 Respondent shall participate in ongoing psychotherapy with a California licensed mental  
6 health professional who has been approved by the Board. Within 15 days of the effective date of  
7 this decision, respondent shall submit to the Board or its designee for its prior approval the name  
8 and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a  
9 valid California license to practice and shall have had no prior business, professional, or personal  
10 relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at  
11 least once a week unless otherwise determined by the Board. Respondent shall continue in such  
12 therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

13 Respondent may, after receiving the Board's written permission, receive therapy via  
14 videoconferencing if respondent's good faith attempts to secure face-to-face counseling are  
15 unsuccessful due to the unavailability of qualified mental health care professionals in the area.  
16 The Board may require that respondent provide written documentation of her good faith attempts  
17 to secure counseling via videoconferencing.

18 Respondent shall provide the therapist with a copy of the Board's decision no later than the  
19 first counseling session. Upon approval by the Board, respondent shall undergo and continue  
20 treatment until the Board or its designee determines that no further psychotherapy is necessary.

21 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits  
22 quarterly written reports to the Board concerning respondent's fitness to practice, progress in  
23 treatment, and to provide such other information as may be required by the Board. Respondent  
24 shall execute a Release of Information authorizing the therapist to divulge information to the  
25 Board.

26 If the treating psychotherapist finds that respondent cannot practice safely or independently,  
27 the psychotherapist shall notify the Board within three (3) working days. Upon notification by  
28 the Board, respondent shall immediately cease practice and shall not resume practice until

1 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter  
2 engage in any practice for which a license issued by the Board is required until the Board or its  
3 designee has notified respondent that she may resume practice. Respondent shall document  
4 compliance with this condition in the manner required by the Board.

5 **3. Dependency Support Program**

6 Respondent shall attend a dependency support program approved by the Board no less than  
7 2 times per week. Respondent shall provide proof of attendance at said program with each  
8 quarterly report that Respondent submits during the period of probation. Failure to attend, or to  
9 show proof of such attendance, shall constitute a violation of probation.

10 **4. Education**

11 Respondent shall take and successfully complete the equivalency of 2 semester units in  
12 substance use/abuse. All course work shall be taken at the graduate level at an accredited or  
13 approved educational institution that offers a qualifying degree for licensure as a marriage and  
14 family therapist, clinical social worker, educational psychologist, or professional clinical  
15 counselor or through a course approved by the Board. Classroom attendance must be specifically  
16 required. Course content shall be pertinent to the violation and all course work must be completed  
17 within one year from the effective date of this Decision.

18 Within 90 days of the effective date of the decision respondent shall submit a plan for prior  
19 Board approval for meeting these educational requirements. All costs of the course work shall be  
20 paid by the respondent. Units obtained for an approved course shall not be used for continuing  
21 education units required for renewal of licensure.

22 **5. Abstain from Controlled Substances / Submit Drug and Alcohol Testing**

23 Respondent shall completely abstain from the use or possession of controlled or illegal  
24 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

25 Respondent shall immediately submit to random and directed drug and alcohol testing, at  
26 respondent's cost, upon request by the Board or its designee. The Respondent shall be subject to  
27 a minimum number of random tests per year for the duration of the probationary term, as  
28 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no

1 confidentiality in test results. Any confirmed positive finding will be immediately reported to the  
2 Respondent, the Respondent's current employer, and the supervisor, if any, and shall be a  
3 violation of probation.

4 If the Respondent tests positive for a controlled substance, Respondent's license or  
5 registration shall be automatically suspended. Respondent shall make daily contact as directed by  
6 the Board to determine if she must submit to drug testing. Respondent shall submit her drug test  
7 on the same day that she is notified that a test is required. All alternative drug testing sites due to  
8 vacation or travel outside of California must be approved by the Board prior to the vacation or  
9 travel.

10 **6. Abstain from Use of Alcohol / Submit to Alcohol and Drug Testing**

11 Respondent shall completely abstain from the intake of alcohol during the period of  
12 probation.

13 Respondent shall immediately submit to random and directed drug and alcohol testing, at  
14 respondent's cost, upon request by the Board or its designee. The Respondent shall be subject to  
15 a minimum number of random tests per year for the duration of the probationary term, as  
16 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no  
17 confidentiality in test results. Any confirmed positive finding will be immediately reported to the  
18 Respondent, the Respondent's current employer, and to the supervisor, if any, and shall be a  
19 violation of probation.

20 If the Respondent tests positive for alcohol and/or a controlled substance, Respondent's  
21 license or registration shall be automatically suspended. Respondent shall make daily contact as  
22 directed by the Board to determine if she must submit to drug testing. Respondent shall submit  
23 her drug test on the same day that she is notified that a test is required. All alternative drug  
24 testing sites due to vacation or travel outside of California must be approved by the Board prior to  
25 the vacation or travel.

26 **7. Obey All Laws**

27 Respondent shall obey all federal, state and local laws, all statutes and regulations  
28 governing the licensee, and remain in full compliance with any court ordered criminal probation,

1 payments and other orders. A full and detailed account of any and all violations of law shall be  
2 reported by the respondent to the Board or its designee in writing within seventy-two (72) hours  
3 of occurrence. To permit monitoring of compliance with this term, respondent shall submit  
4 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days  
5 of the effective date of the decision, unless previously submitted as part of the licensure  
6 application process. Respondent shall pay the cost associated with the fingerprint process.

7 **8. File Quarterly Reports**

8 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the  
9 "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury  
10 whether she has been in compliance with all the conditions of probation. Notwithstanding any  
11 provision for tolling of requirements of probation, during the cessation of practice respondent  
12 shall continue to submit quarterly reports under penalty of perjury.

13 **9. Comply with Probation Program**

14 Respondent shall comply with the probation program established by the Board and  
15 cooperate with representatives of the Board in its monitoring and investigation of the respondent's  
16 compliance with the program.

17 **10. Interviews with the Board**

18 Respondent shall appear in person for interviews with the Board or its designee upon  
19 request at various intervals and with reasonable notice.

20 **11. Failure to Practice**

21 In the event respondent stops practicing in California, respondent shall notify the Board or  
22 its designee in writing within 30 calendar days prior to the dates of non-practice and return to  
23 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which  
24 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or  
25 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this  
26 condition, will not apply to the reduction of the probationary term and will relieve respondent of  
27 the responsibility to comply with the probationary terms and conditions with the exception of this  
28 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly

1 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost  
2 Recovery. Respondent's license/registration shall be automatically cancelled if Respondent's  
3 period of non-practice total two years.

4 **12. Change of Place of Employment or Place of Residence**

5 Respondent shall notify the Board or its designee in writing within 30 days of any change  
6 of place of employment or place of residence. The written notice shall include the address, the  
7 telephone number and the date of the change.

8 **13. Supervision of Unlicensed Persons**

9 While on probation, respondent shall not act as a supervisor for any hours of supervised  
10 practice required for any license issued by the Board. Respondent shall terminate any such  
11 supervisory relationship in existence on the effective date of this Decision.

12 **14. Notification to Clients**

13 Respondent shall notify all clients when any term or condition of probation will affect their  
14 therapy or the confidentiality of their records, including but not limited to supervised practice,  
15 suspension, or client population restriction. Such notification shall be signed by each client prior  
16 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or  
17 its designee, satisfactory evidence of compliance with this term of probation.

18 **15. Notification to Employer**

19 Respondent shall provide each of her current or future employers, when performing  
20 services that fall within the scope of practice of her license, a copy of this Decision and the  
21 Statement of Issues or Accusation before commencing employment. Notification to the  
22 respondent's current employer shall occur no later than the effective date of the Decision or  
23 immediately upon commencing employment. Respondent shall submit, upon request by the  
24 Board or its designee, satisfactory evidence of compliance with this term of probation.

25 The Respondent shall provide to the Board the names, physical addresses, and telephone  
26 numbers of all employers, supervisors, and contractors.

27 Respondent shall complete the required consent forms and sign an agreement with the  
28 employer and supervisor, or contractor, and the Board to allow the Board to communicate with

1 the employer and supervisor or contractor regarding the licensee or registrant's work status,  
2 performance, and monitoring.

3 **16. Violation of Probation**

4 If respondent violates the conditions of her probation, the Board, after giving respondent  
5 notice and the opportunity to be heard, may set aside the stay order and impose the discipline  
6 (revocation) of respondent's registration provided in the decision.

7 If during the period of probation, an accusation, petition to revoke probation, or statement  
8 of issues has been filed against respondent's registration or application for licensure, or the  
9 Attorney General's office has been requested to prepare such an accusation, petition to revoke  
10 probation, or statement of issues, the probation period set forth in this decision shall be  
11 automatically extended and shall not expire until the accusation, petition to revoke probation, or  
12 statement of issues has been acted upon by the board. Upon successful completion of probation,  
13 respondent's registration shall be fully restored.

14 **17. Maintain Valid License**

15 Respondent shall, at all times while on probation, maintain a current and active license with  
16 the Board, including any period during which suspension or probation is tolled. Should  
17 respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license  
18 shall be subject to any and all terms of this probation not previously satisfied.

19 **18. License Surrender**

20 Following the effective date of this decision, if respondent ceases practicing due to  
21 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of  
22 probation, respondent may voluntarily request the surrender of her registration to the Board. The  
23 Board reserves the right to evaluate the respondent's request and to exercise its discretion whether  
24 to grant the request or to take any other action deemed appropriate and reasonable under the  
25 circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar  
26 days deliver respondent's registration and certificate and if applicable wall certificate to the Board  
27 or its designee and respondent shall no longer engage in any practice for which a license is  
28 required. Upon formal acceptance of the tendered license, respondent will no longer be subject to

1 the terms and conditions of probation.

2 Voluntary surrender of respondent's registration shall be considered to be a disciplinary  
3 action and shall become a part of respondent's license history with the Board. Respondent may  
4 not petition the Board for reinstatement of the surrendered registration. Should respondent at any  
5 time after voluntary surrender ever reapply to the Board for licensure respondent must meet all  
6 current requirements for licensure including, but not limited to, filing a current application,  
7 meeting all current educational and experience requirements, and taking and passing any and all  
8 examinations required of new applicants.

9 **19. Instruction of Coursework Qualifying for Continuing Education**

10 Respondent shall not be an instructor of any coursework for continuing education credit  
11 required by any license issued by the Board.

12 **20. Notification to Referral Services**

13 Respondent shall immediately send a copy of this decision to all referral services registered  
14 with the Board in which respondent is a participant. While on probation, respondent shall send a  
15 copy of this decision to all referral services registered with the Board that respondent seeks to  
16 join.

17 **21. Reimbursement of Probation Program**

18 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to  
19 ensure compliance for the duration of the probation period. Reimbursement costs shall be  
20 \$1,200.00 per year.

21 **22. Cost Recovery**

22 Respondent shall pay the Board \$2,743.75 as and for the reasonable costs of the  
23 investigation and prosecution of Case No. 200-2016-001655. Respondent shall make such  
24 payments pursuant to a payment plan outlined by the Board. Respondent shall make the check or  
25 money order payable to the Board of Behavioral Sciences and shall indicate on the check or  
26 money order that it is the cost recovery payment for Case No. 200-2016-001655. Any order for  
27 payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall  
28 not terminate until full payment has been made. Should any part of cost recovery not be paid in

1 accordance with the outlined payment schedule, respondent shall be considered to be in violation  
2 of probation. A period of non-practice by respondent shall not relieve respondent of her  
3 obligation to reimburse the board for its costs.

4 Cost recovery must be completed six months prior to the termination of probation. A  
5 payment plan authorized by the Board may be extended at the discretion of the Enforcement  
6 Manager based on good cause shown by the probationer.

7  
8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, Robert Cheasty. I understand the stipulation and the effect it will  
11 have on my Associate Marriage and Family Therapist Registration. I enter into this Stipulated  
12 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
13 bound by the Decision and Order of the Board of Behavioral Sciences.

14  
15 DATED: 05/13/2018

  
ERIN K. BOGDANSKI  
Respondent

17 I have read and fully discussed with Respondent Erin K. Bogdanski the terms and  
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
19 I approve its form and content.

20 DATED: 05/03/2018

  
ROBERT CHEASTY  
Attorney for Respondent

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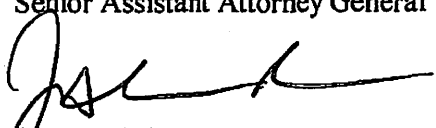
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences.

Dated: 5/14/18

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
LINDA K. SCHNEIDER  
Senior Assistant Attorney General



JOSHUA A. ROOM  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 200-2016-001655**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 FRANK H. PACOE  
Supervising Deputy Attorney General  
4 State Bar No. 91740  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5556  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 200-2016-001655

11 **ERIN K. BOGDANSKI**  
12 **5855 Horton Street, Apt. 524**  
13 **Emeryville, CA 94608-2049**

**A C C U S A T I O N**

14 **Marriage and Family Therapist Intern**  
**Registration No. IMF 88456**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as  
20 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

21 2. On or about August 20, 2015, the Board of Behavioral Sciences issued Marriage and  
22 Family Therapist Intern Registration Number IMF 88456 to Erin K. Bogdanski (Respondent).  
23 The Marriage and Family Therapist Intern Registration was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on August 31, 2018, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Behavioral Sciences (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 4982.25 of the Business and Professions Code states:

2           "The board may deny any application, or may suspend or revoke any license or registration  
3 issued under this chapter, for any of the following:

4           "(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
5 imposed by another state or territory or possession of the United States, or by any other  
6 governmental agency, on a license, certificate, or registration to practice marriage and family  
7 therapy, or any other healing art, shall constitute unprofessional conduct. A certified copy of the  
8 disciplinary action decision or judgment shall be conclusive evidence of that action.

9           "(b) Revocation, suspension, or restriction by the board of a license, certificate, or  
10 registration to practice as a clinical social worker or educational psychologist shall also constitute  
11 grounds for disciplinary action for unprofessional conduct against the licensee or registrant under  
12 this chapter."

13          5.     Section 118 of the Business and Professions Code provides, in pertinent part, that the  
14 suspension, expiration, or forfeiture by operation of law of a license issued by a board in the  
15 department, or its suspension, forfeiture, or cancellation by order of the board or by order of a  
16 court of law, or its surrender without the written consent of the board, shall not, during any period  
17 in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to  
18 institute or continue a disciplinary proceeding against the licensee upon any ground provided by  
19 law or to enter an order suspending or revoking the license or otherwise taking disciplinary action  
20 against the licensee on any such ground.

21          6.     Section 4990.33 of the Business and Professions Code states:

22          "Notwithstanding any other law, except as provided in Section 4990.32, the expiration,  
23 cancellation, forfeiture, or suspension of a license, registration, or other authority to practice by  
24 operation of law or by order or decision of the board or a court of law, the placement of a license  
25 on a retired status, or the voluntary surrender of a license or registration by a licensee or registrant,  
26 of any license or registration within the authority of the board, shall not deprive the board of  
27 jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
28

1 proceeding against, the licensee or registrant or to render a decision suspending or revoking the  
2 license or registration."

3 7. Section 4982 of the Business and Professions Code states:

4 "The board may deny a license or registration or may suspend or revoke the license or  
5 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.  
6 Unprofessional conduct includes, but is not limited to, the following:

7 "(a) The conviction of a crime substantially related to the qualifications, functions, or duties  
8 of a licensee or registrant under this chapter. The record of conviction shall be conclusive  
9 evidence only of the fact that the conviction occurred. The board may inquire into the  
10 circumstances surrounding the commission of the crime in order to fix the degree of discipline or  
11 to determine if the conviction is substantially related to the qualifications, functions, or duties of a  
12 licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a  
13 plea of nolo contendere made to a charge substantially related to the qualifications, functions, or  
14 duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the  
15 meaning of this section. The board may order any license or registration suspended or revoked, or  
16 may decline to issue a license or registration when the time for appeal has elapsed, or the  
17 judgment of conviction has been affirmed on appeal, or, when an order granting probation is  
18 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
19 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not  
20 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
21 indictment.

22 . . .

23 "(c) Administering to himself or herself any controlled substance or using of any of the  
24 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a  
25 manner, as to be dangerous or injurious to the person applying for a registration or license or  
26 holding a registration or license under this chapter, or to any other person, or to the public, or, to  
27 the extent that the use impairs the ability of the person applying for or holding a registration or  
28 license to conduct with safety to the public the practice authorized by the registration or license.

1 The board shall deny an application for a registration or license or revoke the license or  
2 registration of any person, other than one who is licensed as a physician and surgeon, who uses or  
3 offers to use drugs in the course of performing marriage and family therapy services.

4 . . .

5 8. Section 125.3 of the Business and Professions Code provides, in pertinent part, that  
6 the Board may request the administrative law judge to direct a licentiate found to have committed  
7 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
8 investigation and enforcement of the case.

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct - Conviction of a Crime)

11 9. Respondent is subject to disciplinary action for unprofessional conduct under  
12 Business and Professions Code section 4982(a) in that she was convicted of a crime substantially  
13 related to the qualifications, functions, and duties of a Marriage and Family Therapist Intern. The  
14 circumstances are as follows:

15 a. On or about June 22, 2016, in a criminal proceeding in entitled People of the State of  
16 California v. Erin Kathleen Bogdanski in Marin County Superior Court, Case No. CR196875.

17 Respondent was convicted by her plea of guilty to violating Vehicle Code 23152(b) (driving  
18 while having a blood alcohol level of 0.08 percent or higher) with an enhancement for excessive  
19 blood alcohol content, a misdemeanor.

20 b. On or about April 3, 2016, at approximately 2307 hours, an officer from the United  
21 States National Park Service was on patrol in the Marin Headlands area of Golden Gate National  
22 Recreation Area observed a vehicle drive away from him at a high rate of speed. When the officer  
23 made contact with the driver of the vehicle, Respondent, he detected a strong odor of an alcoholic  
24 beverage emanating from her. According to the officer, Respondent, spoke with slurred speech.  
25 and admitted that she had consumed two glasses of wine. At this point, the officer noticed that  
26 Respondent had symptoms of impairment based on her unsafe driving, slurred speech, and red  
27 eyes. Respondent told the officer a person she knew was in trouble in the area of Cavallo Point  
28 Lodge and needed immediate help. Another officer arrived and the took the information, but was

1 unable to find the person Respondent was talking about. Respondent consented to perform field  
2 sobriety tests; however, she nearly fell to the ground when she exited her vehicle. The officer  
3 administered Standardized Field Sobriety Tests to Respondent which she failed to perform as  
4 explained and demonstrated. Thereafter, on April 4, 2016, based on the officer's observations,  
5 Respondent's poor performance on the field sobriety tests and her admission that she consumed  
6 alcoholic beverages, the officer placed Respondent under arrest for driving under the influence of  
7 alcohol. Thereafter, Respondent's breath test results were .17% and .16% blood alcohol content.

8 c. On or about June 22, 2016, Respondent was placed on probation for 3 years, ordered  
9 to serve 1 day in the county jail, ordered to not to drive with any alcohol in her blood, ordered not  
10 to drive without a valid driver's license and insurance, ordered to enroll and complete a 9 month  
11 First Offender Program, and ordered to pay a total amount of \$2,068.00 in fines and fees.

## 12 SECOND CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – Self Administering Drugs/Alcohol)

14 10. Respondent is subject to disciplinary action for unprofessional conduct under  
15 Business and Professions Code section 4982(c) in that she used alcoholic beverages to the extent,  
16 or in a manner, as to be dangerous or injurious to herself or to the public to the extent that the use  
17 impairs his ability to conduct with safety to the public. The circumstances are as follows:

18 a. On or about April 3, 2016, Respondent was arrested by an officer from the United  
19 States National Park Service for driving under the influence of an alcoholic beverage.

20 b. On or about April 30, 2017, Respondent was arrested by an officer from the  
21 California Highway Patrol for driving under the influence of an alcoholic beverage.

## 22 DISCIPLINE CONSIDERATIONS

23 11. In considering the degree of discipline, if any, to be imposed against Respondent's  
24 license, Complainant alleges that while she was on probation in Marin County Superior Court  
25 Case No. CR196876, on or about April 30, 2017, Respondent was arrested by an officer from the  
26 California Highway Patrol for driving under the influence of an alcoholic beverage. On or about  
27 May 8, 2017, Respondent's blood alcohol level was reported as 0.17% at the time of her April 30,  
28 2017 arrest.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Revoking or suspending Marriage and Family Therapist Intern Registration Number IMF 88456, issued to Erin K. Bogdanski
2. Ordering Erin K. Bogdanski to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: October 27, 2017



KIM MADSEN  
Executive Officer  
Board of Behavioral Sciences  
Department of Consumer Affairs  
State of California  
*Complainant*

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